

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 31, 1946

11:00 A.M.

Council Chamber, City Hall

-----o-----

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present: Councilman Bartholomew, Mayor Miller, Councilman Thornberry - 3
Absent : Councilmen Glass and Wolf - 2

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

J. M. Frazier, Chairman of a committee of the Independent Retail Grocers Association, appeared before the Council on behalf of said Association's petition for the sale of recombined milk in the City of Austin to relieve the present shortage.

J. C. Smothers also appeared on behalf of the dairymen and opposed the sale of such milk, declaring that it would result in unfair competition to said dairymen.

Following a discussion of the matter, a public hearing on the question of the sale of recombined milk in the City of Austin was called for Wednesday, November 6, at 7:30 P. M. in the Council Chamber.

The application of Lawrence C. Johnson for a change in zoning, from "A" Residence District to "C" Commercial District, of the property at 5112 Georgetown Road, being the westerly 150 feet thereof, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry;
Noes : None
Absent: Councilmen Glass and Wolf

The application of Ed F. Hemme, O. P. Lockhart, Ella C. Weise, and Mrs. Amelia Fuller for a change in zoning, from "B" Residence District to

"C" Commercial District, of the property located at the intersection of East 11th Street and Trinity Street, was received. Councilman Thornberry moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry;
Noes : None
Absent: Councilmen Glass and Wolf

The following report of the Board of Adjustment on the application of JACK LEBO for a change in zoning of the property at the southeast corner of Longview and 24th Streets, was received and ordered filed:

" Austin, Texas
October 24, 1946

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on October 15, 1946:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Jack Lebo, through his attorneys, Smith and Pollard, requesting a change in the Use designation of the following property:

Lot 14, Outlots 41 and 42, Division "D", Longview Terrace, being located at the southeast corner of Longview and 24th Streets,

from "A" Residence District to "B" Residence District; and

WHEREAS, the original application was for the changing of the Use classification of this property for the purpose of erecting a sorority house as stated in the application; and

WHEREAS, the appellant filed a new application for this change, affirming, however, that he did not wish to erect a sorority house on this property at this time but an apartment building; and

WHEREAS, the Board, in a resolution dated June 8, 1946, recommended against the approval of the original application because at that time the question of the establishment of a new zone for segregating fraternities, sororities and student cooperatives was under consideration by the City Council and the Board of Adjustment, and no final determination had been made which would indicate what the classification of this property would be under this new zoning amendment; and

WHEREAS, since that time, no determination has yet been made and the applicant again requested approval of the change, through his attorneys, Smith and Pollard, who again stated that the proposed sorority which had intended to build on this lot had secured another site and that at this time

it was not contemplated to use this lot for such purposes, but rather for the construction of an apartment house in accordance with the Use and Height and Area provisions with respect to apartments in a "B" Residence District; and

WHEREAS, at a meeting held on October 15, 1946, the Board carefully considered this application and deemed that due to the change in the purported use of this property under the proposed change it was sufficient to justify every consideration of this application; and

WHEREAS, an examination of the condition of 24th Street from Guadalupe Street west to Lamar Boulevard discloses the fact that all the property on both sides of the street from Guadalupe Street to Leon Street is now zoned for both commercial and "B" Residence District uses and that the "B" Residence use classification has been extended to an alley west of Leon Street on the north side of 24th Street a distance of 200 feet, and that the property in question is partially opposite this "B" Residence District with one lot siding on 24th Street and fronting on Leon Street now classified as "A" Residence property, and that at the southeast intersection of 24th Street and Lamar Boulevard there is a "B" Residence District; and

WHEREAS, the Board deemed that since a portion of the "B" Residence District on the north side of 24th Street overlaps the above described lot, and the fact that all the remainder of the street is zoned for less restrictive uses than an "A" Residence District, it would be in order to extend the present "B" Residence District on the south side of 24th Street to Longview Street, including the present "A" Residence lot between the same and Leon Street, which would be an extension of 281.94 feet and would have a depth of 174 feet on Leon Street and 164.05 feet on Longview Street in order to line up with the present commercial district to the east occupied by the Texas Federation of Women's Club, therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT;

THAT the property described in the preceding paragraph, being shown on the attached plat, be and is hereby recommended to the City Council to be changed from "A" Residence District and First Height and Area District to "B" Residence District and Second Height and Area District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

Councilman Bartholomew moved that a public hearing on the requested change in zoning of the said property of Jack Lebo be called for Thursday, November 21, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in BURNET ROAD, across Hancock Drive intersection, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Burnet Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in MORROW STREET, from a point 460 feet west of Georgetown Road westerly 360 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Morrow Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in WEST 49TH STREET, from a point 264 feet east of Woodrow Avenue easterly 98 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said West 49th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in ONION STREET, from East 6th Street south 183 feet, the centerline of which gas main shall be 16 feet west of, and parallel to, the east property line of said Onion Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in HUISACHE STREET, from a point 56 feet north of Zennia Street south to Zennia Street, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Huisache Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in ZENNIA STREET, from a point 92 feet east of Huisache Street westerly 222 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said ZENNIA STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in NORTHWOOD ROAD, from a point 468 feet west of Jefferson Street westerly 96 feet, the centerline of which gas main shall be 13.5 feet south of, and parallel to, the north property line of said Northwood Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (8) A gas main in EAST 42ND STREET, from a point 30 feet west of Peck Avenue easterly 58 feet, the centerline of which gas main shall be 21 feet south of, and parallel to, the north property line of said East 42nd Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (9) A gas main in SOUTH 2ND STREET, from Fletcher Street southerly 207 feet, the centerline of which gas main shall be 10 feet west of, and parallel to, the east property line of said South 2nd Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (10) A gas main in PARKWOOD ROAD across Airport Boulevard intersection, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Parkwood Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Director of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes: None
Absent: Councilmen Glass and Wolf

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, LOCATION, AND MAINTENANCE OF BUILDINGS AND STRUCTURES IN THE CITY OF AUSTIN, TEXAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH," PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN APRIL 30, 1931, AND RECORDED IN BOOK "I", PAGES 387-536, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 1003 TO PRESCRIBE A FIVE-FOOT SET-BACK IN LIEU OF A TEN-FOOT SET-BACK FOR THE WALLS OF GROUP "E" BUILDINGS, AND TO PROVIDE UNDER SECTION 1009 AN EXCEPTION FOR MATERIALS USED IN CONSTRUCTION OF PUBLIC GARAGES UNDER TYPE IV CONSTRUCTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

The ordinance was then laid over for its second reading.

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Book 1, page 65, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Glenridge, a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas; and

WHEREAS, upon said map or plat there appear various streets and alleys, one of which alleys herein referred to is 16 feet in width, and being the alley one-half block west of, and parallel to, Crawford Avenue, and extending from West 35th Street to West 37th Street; and

WHEREAS, the owners of all the property abutting said alley have requested the City Council of the City of Austin to close said alley; and

WHEREAS, said request has been reviewed and considered by the City Council of the City of Austin; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT that certain alley 16 feet in width which is one-half block west of, and parallel to, Crawford Avenue and extending from West 35th Street to West 37th Street, as referred to above, be closed and vacated, except the City of Austin hereby retains utility easement rights in, upon, and across said alley.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL SEPTEMBER 10, 1936, AND RECORDED IN BOOK "K", PAGE 114, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, REGULATING PHONOGRAPHS, RADIOS, AND LOUD SPEAKING AND OTHER NOISE MAKING DEVICES, BY AMENDING SECTION 2 THEREOF SO AS TO PROVIDE AN EXCEPTION FOR HOURS OF OPERATION OF DRIVE-IN THEATERS AS DEFINED BY THE ORDINANCES OF THE CITY OF AUSTIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

Thereupon the ordinance was laid over for its second reading.

The application of LEON L. JACKSON, colored, 1152 San Barnard Street, for a license to operate as a taxicab a 4-door Ford Sedan, 1939 Model, Motor No. 5013378, State License No FX-5900, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

The application of JACK E. GRAHAM, 217 West 8th Street, for a license to operate as a taxicab a Hudson Sedan, 1946 Model, Engine No. 3170504, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

The application of MAYO WOODRUFF, 217 West 8th Street, for a license to operate as a taxicab a 4-door Plymouth Sedan, 1939 Model, Factory No. P8402046A,

State License No. FX-2979, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

The application of HORACE C. HEATH, 217 West 8th Street, for a license to operate as a taxicab a 4-door Chevrolet, Special Delux Sedan, 1941 Model, Motor No. AA-251740, State License No. FX-6596, Serial No. 21A411-14162, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

The application of JOHN TERRELL SMITH, 1103 Prospect Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

The application of CHARLIE LEE HARRIS, 5253 Dallas Highway, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

The application of JOHN CRAWFORD CHILDERS, 513 Hearn Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

The application of LEON L. JACKSON, colored, 1152 San Bernard Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

The application of LEO ROGERS EPPES, 1308 West 5th Street, for a taxicab driver's permit was submitted. Councilman Bartholomew moved that, upon the recommendation of the City Manager, the said Leo Rogers Eppes be granted a granted a taxicab driver's permit for a 90-days probationary period. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

The application of EAST END TAVERN, 2314 East 7th Street, by Florence Fields, for a wine and beer permit, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes: None
Absent: Councilmen Glass and Wolf

It was moved by Councilman Bartholomew that the Mayor be authorized to issue a proclamation proclaiming the week of November 3-10 as MARINE CORPS WEEK, in accordance with the request of the United States Marine Corps. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

It was moved by Councilman Bartholomew that the City Manager be authorized and directed to write a letter to W. D. Dockery, Division Highway Engineer, requesting the Highway Department to pave Highway No. 29 along its present route from 45th Street north to Peyton's gin. The motion carried by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilmen Glass and Wolf

The following resolution was introduced:

(RESOLUTION)

WHEREAS, City of Austin taxes for the year 1945 were assessed in the name of James C. Tucker on Lot 1-B (less 90' x 129', average) Outlots 6 and 9, Division C, Beau Site, Flat 69, Item 2, in the City of Austin, Travis County, Texas; said taxes for said year being in the amount of \$212.79, and for non-payment of same at maturity, penalty in the sum of \$10.64 has been assessed, and interest in the amount of \$7.49 has accrued, making the total amount of taxes, penalty and interest due \$230.92; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$10.64; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the aforesaid penalty in the sum of \$10.64 is hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$10.64 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and interest as aforesaid.

Upon motion, the resolution was adopted by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry
Noes : None
Absent: Councilman Glass and Wolf

There being no further business, upon motion of Councilman Thornberry, the meeting was recessed at 11:30 A. M., subject to call of the Mayor, by the following vote:

Ayes : Councilman Bartholomew, Mayor Miller, Councilman Thornberry

Noes : None

Absent: Councilmen Glass and Wolf

Approved: Tom Miller
MAYOR

Attest:

Hellie M. Allen

City Clerk